

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

FERRING PHARMACEUTICALS INC.,
REBIOTIX INC.

Plaintiffs,

V.

FINCH THERAPEUTICS GROUP, INC.,
FINCH THERAPEUTICS, INC., and FINCH
THERAPEUTICS HOLDINGS, LLC.

Defendants.

C.A. No. 21-1694-JLH

FINCH THERAPEUTICS GROUP, INC.,
FINCH THERAPEUTICS, INC., FINCH
THERAPEUTICS HOLDINGS, LLC, and
REGENTS OF THE UNIVERSITY OF
MINNESOTA

Counterclaim-Plaintiffs/Reply Defendants,

V.

FERRING PHARMACEUTICALS INC., and
REBIOTIX, INC.

Counterclaim-Defendants/Reply Plaintiffs.

**JOINT STIPULATION AND [PROPOSED] ORDER TO
STAY EXECUTION OF JUDGMENT PENDING APPEAL**

WHEREAS, on August 15, 2024, the Court entered judgment in favor of Finch Therapeutics Group, Inc., Finch Therapeutics, Inc., and Finch Therapeutics Holdings, LLC (collectively, “Finch”) and the Regents of the University of Minnesota (“UMN”) and against

Ferring Pharmaceuticals Inc. and Rebiotix Inc. (collectively, “Ferring”) in the amount of \$25,815,061 (the “Judgment”), D.I. 488;

WHEREAS, currently pending before the Court are Finch and UMN’s Post-Trial Motion for Enhanced Damages, Ongoing Royalty, and Pre- and Post-Judgment Interest Pursuant to Order on D.I. 490, D.I. 496, 501, 503, 504, 511, 512, 513, 526, 527, 528 and Ferring’s Renewed Motion for Judgment as a Matter of Law, D.I. 497, 502, 514, 524, 525;

WHEREAS, Ferring seeks a stay of execution of the Judgment pending any appeal in this case; and

WHEREAS, Ferring has obtained a letter of credit for \$31,102,000, which is attached hereto as Exhibit A.

NOW THEREFORE, it is hereby stipulated and agreed by and among the parties:

1. The letter of credit attached as Exhibit A should be approved by the Court pursuant to Federal Rule of Civil Procedure 62(b);
2. Upon the Court’s approval of the assented-to letter of credit, pursuant to Federal Rule of Civil Procedure 62(b) and the Court’s inherent authority, enforcement of the Judgment shall be stayed until either (i) Ferring fails to timely file a notice of appeal to the Federal Circuit, or (ii) the issuance of the Federal Circuit’s mandate in any appeal; and
3. If subsequent to this stipulation the Court increases or decreases the damages award reflected in the Judgment, Ferring will increase or decrease the letter of credit in proportion to the changed damages award in the amended Judgment.

Dated: June 26, 2025

Respectfully submitted,

/s/ Mary W. Bourke

Mary W. Bourke (#2356)
Dana K. Severance (#4869)
Daniel M. Attaway (#5130)
Zachary Murphy (#6881)
Alexander P. Wharton (#7304)
WOMBLE BOND DICKINSON (US) LLP
1313 North Market Street, Suite 1200
Wilmington, DE 19801
Telephone: (302) 252-4320
Mary.Bourke@wbd-us.com
Dana.Severance@wbd-us.com
Daniel.Attaway@wbd-us.com
Zachary.Murphy@wbd-us.com
Alexander.Wharton@wbd-us.com

John B. Bourke (#6534)
WOMBLE BOND DICKINSON (US) LLP
50 California Street, Suite 2750
San Francisco, CA 94111
Telephone: (415) 765-6267
Ben.Bourke@wbd-us.com

Of Counsel:

Joshua P. Davis
WOMBLE BOND DICKINSON (US) LLP
811 Main Street
Suite 3130
Houston, TX 77002
Telephone: (346) 998-7801
Joshua.P.Davis@wbd-us.com

Daralyn J. Durie
Matthew Chivvis
Rachel Dolphin
Ramsey Fisher
Clinton W. Ewell
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, CA 94105-2482
Telephone: 415-268-6055
ddurie@mofo.com

/s/ Kelly E. Farnan

Jeffrey L. Moyer (#3309)
Kelly E. Farnan (#4395)
Sarah M. Metzler (#6509)
RICHARDS, LAYTON & FINGER, P.A.
One Rodney Square
920 North King Street
Wilmington, DE 19801
Telephone: (302) 651-7700
farnan@rlf.com
moyer@rlf.com
metzler@rlf.com

Of Counsel:

KIRKLAND & ELLIS LLP
Michael W. De Vries
Ingrid Petersen
Sam Blake
Kendra Delaney
555 South Flower Street, Suite 3700
Los Angeles, CA 90071
(213) 680-8400
michael.devries@kirkland.com
ingrid.petersen@kirkland.com
sam.blake@kirkland.com
kendra.delaney@kirkland.com

Adam R. Alper
555 California Street, 27th Floor
San Francisco, CA 94104
(415) 439-1400
adam.alper@kirkland.com

Patricia A. Carson
Ashley Ross
Leslie Schmidt
Nancy Kaye Horstman
Shaoyao Yu
Jiange Xiao
601 Lexington Avenue
New York, NY 10022
(212) 446-4800

mchivvis@mofo.com
rdolphin@mofo.com
rfisher@mofo.com
cewell@mofo.com

Whitney O'Byrne
Sara Doudar
MORRISON & FOERSTER LLP
701 Wilshire Boulevard
Los Angeles, CA 90017
Telephone: 213-892-4345
wobyne@mofo.com
sdoudar@mofo.com

Sarah E. Brickey
MORRISON & FOERSTER LLP
4200 Republic Plaza
370 Seventeenth Street
Denver, CO 80202-5638
Telephone: (303) 592-2267
sbrickey@mofo.com

*Attorneys for Ferring Pharmaceuticals Inc.
and Rebiotix Inc.*

patricia.carson@kirkland.com
ashley.ross@kirkland.com
leslie.schmidt@kirkland.com
kaye.horstman@kirkland.com
shaoyao.yu@kirkland.com
jiange.xiao@kirkland.com

Alina Afinogenova
200 Clarendon Street, 47th Floor
Boston, MA 02116
(617) 385-7500
alina.afinogenova@kirkland.com

Ashley Cade
1301 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 389-3381
ashley.cade@kirkland.com

*Attorneys for Finch Therapeutics Group,
Inc., Finch Therapeutics, Inc., Finch
Therapeutics Holdings, LLC, and Regents of
the University of Minnesota*

IT IS SO ORDERED this _____ day of _____, 2025.

The Honorable Jennifer L. Hall